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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,581

09/29/2005

Toshihiko Seike

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

MORRISON, THOMAS A

ART UNIT

PAPER NUMBER

3653

NOTIFICATION DATE

DELIVERY MODE

06/27/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/551,581	Applicant(s) SEIKE ET AL.	
	Examiner THOMAS A. MORRISON	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/29/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: (1) the structure or structural relationship between the recited elements in claim 8 that allows the elastic force on the sheet transport guides to be adjusted; and (2) the structure or structural relationship between the recited elements in claim 9 that allows the elastic force on the sheet transport guides to be adjusted. Further clarification is requested.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 7, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication No. 2001-130780 (hereinafter “JP’780”).

Regarding claim 1, Figs. 1-4 show a sheet transport mechanism, comprising:

a rotation roller (2);

a movable member (5); and

a sheet transport guide (including 9 and 8) for guiding toward and/or away from the rotation roller (2) a sheet to be transported between the rotation roller (2) and the movable member (5), the sheet transport guide (including 9 and 8) including an elastic member (8) and having a portion connected to the movable member (5),

wherein the sheet transport guide (including 9 and 8) applies elastic force to the movable member (5) so that the movable member (5) is elastically biased toward the rotation roller (2).

Regarding claim 2, Figs. 1-4 show that the elastic member (8) is a torsion coil spring having first and second arms for guiding a sheet to be transported.

Regarding claim 3, Figs. 1-4 show that the movable member (5) is a driven roller that is rotated in association with rotation of the rotation roller (2).

Regarding claim 4, Figs. 1-4 show that the driven roller (5) is supported by the first arm of the torsion coil spring (8).

Regarding claim 7, Figs. 1-4 show that a plurality of the movable members (5) are aligned approximately parallel to a shaft of the rotation roller (2), and wherein each of the movable members (5) is provided with the sheet transport guide (including 9 and 8).

3. Claims 1-2 and 5-7, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication No. 6-144618 (hereinafter "JP'618")(cited in the 9/29/2005 IDS).

Regarding claim 1, Figs. 1-4 show a sheet transport mechanism, comprising:

a rotation roller (11);

a movable member (12); and

a sheet transport guide (including 13, 21 and 18) for guiding toward and/or away from the rotation roller (11) a sheet to be transported between the rotation roller (11) and the movable member (12), the sheet transport guide (including 13, 21 and 18) including an elastic member (18) and having a portion connected to the movable member (12),

wherein the sheet transport guide (including 13, 21 and 18) applies elastic force to the movable member (12) so that the movable member (12) is elastically biased toward the rotation roller (11).

Regarding claim 2, Figs. 1-4 show that the elastic member (18) is a torsion coil spring having first and second arms for guiding a sheet to be transported. The recitation “for guiding a sheet to be transported” is a statement of intended use that does not distinguish claim 2 from the prior art apparatus of JP’618.

Regarding claim 5, Figs. 1-4 show that the movable member (12) is a separation pad for feeding one sheet at a time.

Regarding claim 6, Figs. 1-4 show that the separation pad (12) is supported by a coil portion of the torsion coil spring (18). The separation pad 12 is indirectly supported via elements 13 and 21 by the coil portion of the torsion coil spring 18.

Regarding claim 7, Fig. 2 shows that a plurality of the movable members (12 and 12) are aligned approximately parallel to a shaft of the rotation roller (11), and wherein each of the movable members (12) is provided with the sheet transport guide.

Allowable Subject Matter

4. The fact that not all of the claims have been rejected in view of prior art is not an indication that such claims contain allowable subject matter, particularly in view of the rejections under 35 U.S.C. 112 outlined above.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS A. MORRISON whose telephone number is (571)272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653

6/19/2008